THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1448 OF 2005

Dt: 18.08.2005

Between:

G.Satyanarayana, S/o.Mallesh

Occ: Fitter Helper

Singareni Colleries, Godavarikhani, R/o.D-88

Shivajinagar, GodavarikhanI

Karimnagar District … APPELLANT

AND

Singareni Colleries Company Limited

Godavarikhani, Rep.by its General Manager,

Ramagundam Area-I, Godavarikhani,

Karimnagar District and another … RESPONDENTS

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1448 OF 2005

JUDGMENT: (per the Hon'ble Sri Justice P.Lakshmana Reddy)

This Writ Appeal is filed by the appellant-writ petitioner aggrieved by the Order, dated 06.07.2005, in Writ Petition No.6774 of 2002 passed by a learned single Judge of this Court.

Since the appellant-writ petitioner was removed from service, he raised a dispute challenging his removal from service before the Industrial Tribunal-Cum-

Labour Court, Godavarikhani. He specifically pleaded before the Labour Court that the enquiry was not conducted fairly and properly and that he was not given any opportunity to participate in the proceedings of the enquiry. In spite of the said specific plea, the Labour Court did not frame any issue whether the enquiry is valid or not. The Labour Court simply passed an Award stating that the dismissal of the appellant from service is justified on the ground that he was absent from duty for 274 days in the year 1994 and he was not available in the address and he remained exparte in the enquiry. Aggrieved by the same, the appellant filed the Writ Petition contending that the Labour Court erred in not deciding about the validity of the enquiry. The learned single Judge dismissed the Writ Petition. Aggrieved by the same, the present Writ Appeal is filed.

Learned counsel for the appellant invited our attention to the pleadings of the appellant before the Labour Court and also the Award passed by it. We are satisfied that the appellant specifically pleaded before the Labour Court that the enquiry was not conducted fairly and properly. In view of the specific plea, the Labour Court ought to have framed a specific issue whether the enquiry is valid or not. But, a perusal of the Award of the Labour Court discloses that there is no such issue framed and there is absolutely no discussion about the validity or otherwise of the enquiry conducted by the Management. Hence, we feel that it is a fit case to set aside the Award passed by the Labour Court and to remand back the matter to the Labour Court to decide the dispute afresh after framing a specific issue regarding the validity or otherwise of the enquiry conducted by the Management.

In the result, the Writ Appeal is allowed. The Award of the Labour Court and the Order of the learned single Judge are set aside and the matter is remanded back to the Labour Court to decide the dispute afresh, in the light of the observations made supra. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 18.08.2005

bsv/lvl